

### **REMARKS**

Claims 10-13 and 20-25 are pending. By this response, claims 10 and 12 are amended. Reconsideration and allowance based on the above amendments and following remarks are respectfully requested.

#### **§112, Second Paragraph**

The Office Action rejects claims 10 and 12 under 35 U.S.C. §112, Second Paragraph as being indefinite. Specifically, the Office Action is unclear if the claimed transmitting and receiving devices are related to each other or are different devices. In response, Applicants have amended independent claims 10 and 12 to clarify the claimed transmitting and receiving devices. Applicants note that each of the claimed cellular phone and communication terminal in respective systems of claims 10 and 12 include a first and second receiving unit and at least a first transmitting unit. Applicant's submit that the amendments to the claims make clear the intention of each of the claimed transmitting and receiving units and their relation to each other. Accordingly, withdrawal of the rejection is respectfully requested.

#### **Prior Art Rejection**

The Office Action rejects claims 10-13 and 20-25 under 35 U.S.C. § 102(e) as being anticipated by Mizutani (US 2002/0036698). This rejection is respectfully traversed.

Applicants respectfully submit that Mizutani is not prior art with respect to the present application. Mizutani has a filing date of September 20, 2001. The earliest prior art date of Mizutani under 35 U.S.C. § 102(e) is therefore September 20, 2001. The present application claims priority of JP 2000-397729, filed in Japan on December 27, 2000. In a response dated January 24, 2005, Applicants provided a certified translation of JP 2000-397729 perfecting the priority of the present application with respect to JP 2000-397729. Therefore, the priority date of the present application is December 27, 2000. This date is prior to the September 20, 2001 date of Mizutani. Thus, Applicants respectfully submit that Mizutani does not qualify as prior art against the claims of the present application and respectfully request that the rejection be withdrawn.

**Conclusion**

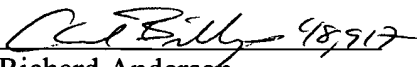
For at least the reasons above, it is respectfully submitted that the application is now in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chad J. Billings Reg. No. 48,917 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

By   
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